

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

MICHAEL BRANDON,

Defendant.

17 Cr. 710-1 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Defendant Michael Brandon, who is currently incarcerated at the United States Penitentiary in Lompoc, California, filed a *pro se* motion on June 12, 2020, seeking compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (Dkt. #61). The Government opposed the motion by letter brief dated June 19, 2020. (Dkt. #63). As set forth herein, the Court denies Mr. Brandon's motion pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) for substantially the reasons set forth in the Government's opposition letter.

In previous opinions, the Court has analyzed the requirements of the compassionate release provision. *See, e.g., United States v. Hamed*, No. 17 Cr. 302-1 (KPF), 2020 WL 3268657 (S.D.N.Y. June 17, 2020). In brief, a defendant seeking release from custody must demonstrate both that "extraordinary and compelling reasons warrant such a reduction," and that "such a reduction is consistent with the applicable policy statements issued by the Sentencing Commission." 18 U.S.C. § 3582(c)(1)(A)(i). Mr. Brandon has failed to satisfy this exacting standard.

Without minimizing the health issues that Mr. Brandon has experienced recently, the Court agrees that, because Mr. Brandon has already contracted

and been treated for the COVID-19 virus, he cannot meet his burden to establish that “extraordinary and compelling reasons warrant” a reduction to his sentence, or that “such a reduction is consistent with the applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(1)(A)(i). To be sure, Mr. Brandon has identified sub-optimal conditions of confinement during the pandemic. However, he has not identified any deficiencies in the medical treatment that he has received, or any underlying medical conditions that have been exacerbated by his contraction of the virus. *See generally United States v. Patterson*, No. 17 Cr. 118-6 (KPF), 2020 WL 2571044, at *3 (S.D.N.Y. May 21, 2020). The Court also commends Mr. Brandon for the rehabilitative efforts he has undertaken in prison, but it finds them similarly insufficient to warrant the relief he now seeks. *See generally United States v. Morrison*, No. 16 Cr. 551-1 (KPF), 2020 WL 2555332, at *2 (S.D.N.Y. May 20, 2020); *United States v. Lisi*, No. 15 Cr. 457 (KPF), 2020 WL 881994, at *4 (S.D.N.Y. Feb. 24, 2020).

Accordingly, Mr. Brandon's motion for compassionate relief is denied.

The Clerk of Court is directed to terminate the motion at docket entry 61.

SO ORDERED.

Dated: July 13, 2020
New York, New York



KATHERINE POLK FAILLA
United States District Judge

Sent by First Class Mail to:

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